

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1582 – HB 1648

February 14, 2016

SUMMARY OF ORIGINAL BILL: Authorizes a court to order a person convicted of driving under the influence (DUI) of drugs or alcohol to be subject to monitoring using a transdermal monitoring device, electronic monitoring with random alcohol or drug testing, global positioning monitoring, or any other monitoring device necessary to ensure compliance with the conditions of probation or the results of any clinical substance abuse assessment.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (012226): Adds language stating any person required to wear a transdermal monitoring device shall have the device inspected every 30 days by the agency or entity responsible for the supervision of such person; and stating further that failure to do so constitutes a violation of probation.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

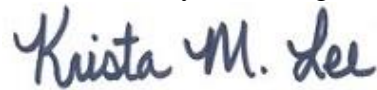
- The term “transdermal monitoring device” means any device or instrument that is attached to the person, designed to automatically test the alcohol or drug content in a person by contact with the person’s skin at least once per one-half (1/2) hour regardless of the person’s location, and which detects the presence of alcohol or drugs and tampering, obstructing, or removing the device.
- Pursuant to Tenn. Code Ann. § 55-10-402(h)(7)(A)-(D), a court currently has the authorization provided by this bill, when ordering intensive outpatient treatment, to also order a person convicted of DUI to use a transdermal monitoring device, an electronic monitoring device with random alcohol or drug testing, global positioning monitoring systems (GPS), or any other electronic device to ensure the person complies with the conditions of probation.

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- The cost associated with any individual being required to wear a transdermal monitoring, or other electronic device, including any routine inspection of any such device, will be borne by the individual ordered to wear the device; courts will not require a convicted person to wear any such electronic device unless the convicted person has the means of paying the costs associated with any device.
- Pursuant to Tenn. Code Ann. § 40-11-118 (f)(2), offenders who are required to use a transdermal monitoring device are currently required to pay all expenses associated with the requirement to wear the device, including administration and monitoring, of such devices.
- Pursuant to Tenn. Code Ann. § 40-11-118 (f)(3), private entities selected to provide offenders transdermal monitoring devices under current law are to provide the service of monitoring the operation of such devices on a daily basis. Therefore, requiring the entity to verify the soundness of such device every 30 days pursuant to the amended bill will not result in a significant change in expenditures for the defendant.
- There will be no impact on the number of violations of requirements for those required to wear transdermal monitoring devices; therefore there will be no impact on probation or incarceration costs.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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